

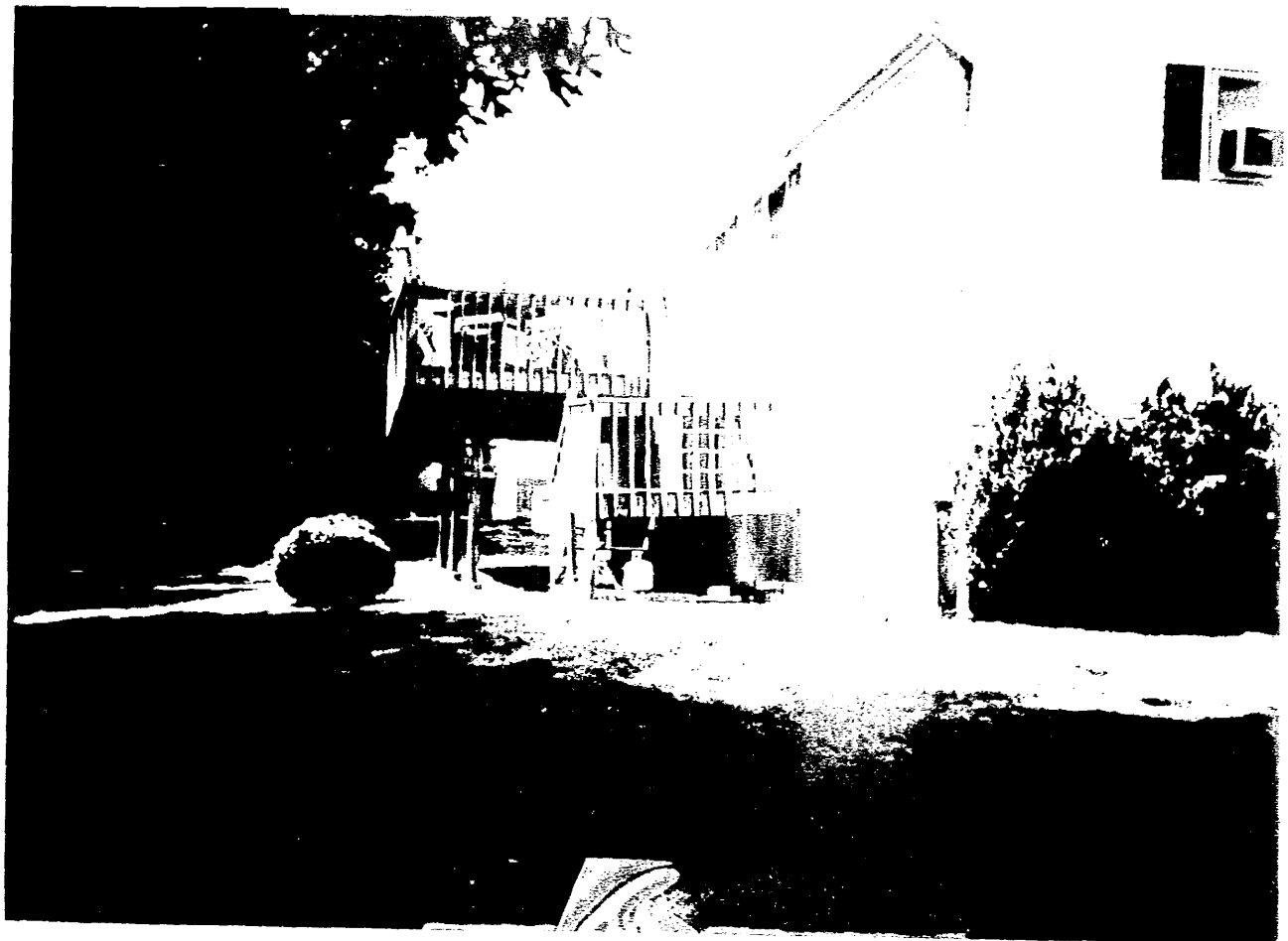
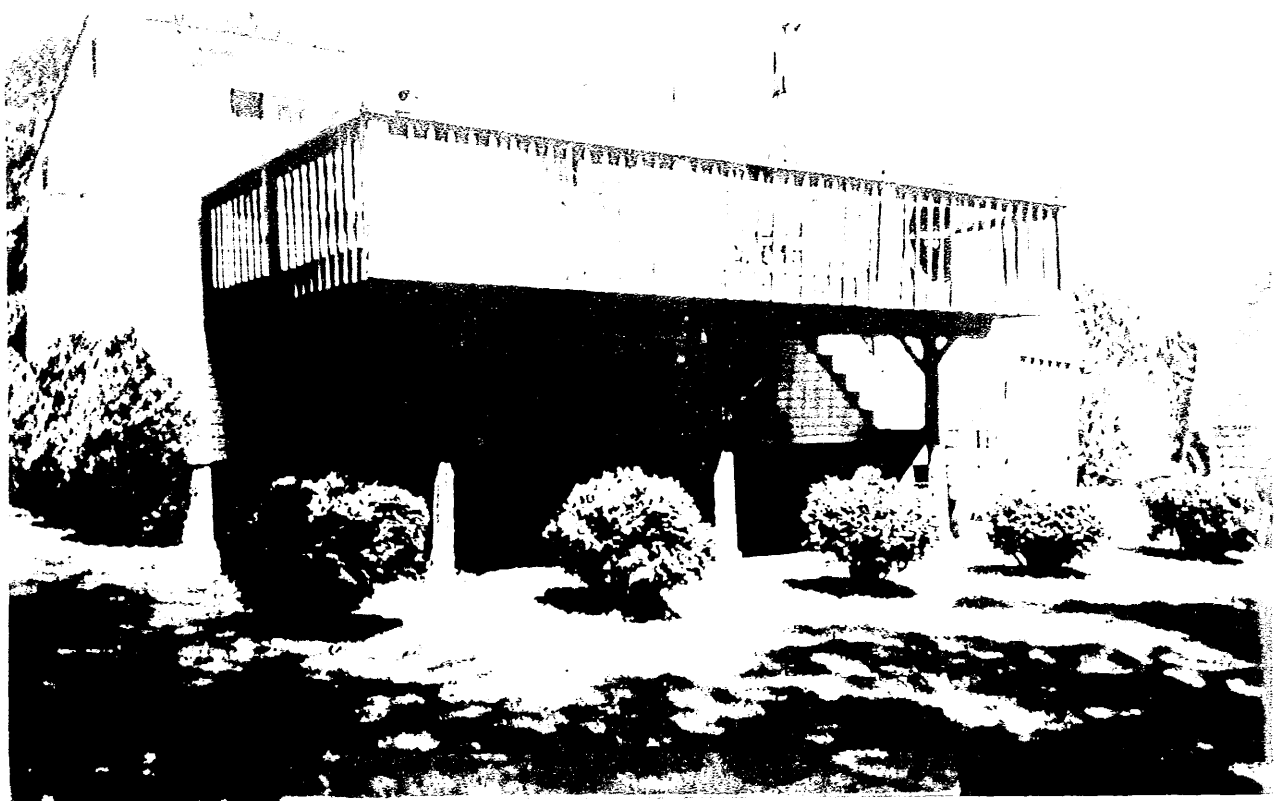
ZB# 05-31

Francis Nicolosi

73-2-19

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 7-11-05

ZBA # **05-31** FRANCIS NICOLISI
(AREA) 330 NINA ST (73-2-19)







Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

November 29, 2005

Francis Nicolosi
330 Nina Street
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-31

Dear Mr. Nicolosi:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: **Michael Babcock, Building Inspector**

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 73-2-19

In the Matter of the Application of

FRANCIS A. NICOLOSI

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #05-31

WHEREAS, Francis Nicolosi, owner(s) of 330 Nina Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 13 feet Rear Yard Setback for proposed deck at 330 Nina Street in an R-4 Zone (73-2-19)

WHEREAS, a public hearing was held on July 11, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant seeks to remove an existing deck and reconstruct it.
 - (c) The reconstructed deck, if permitted, would be no larger than the existing deck.
 - (d) The deck will not be on top of nor will it interfere with any easements including, but not limited to, water, sewer or electrical easements.

- (e) During the time the existing deck has been in existence, no complaints have been received either formally or informally.
- (f) The deck will be immediately adjacent to the rear entranceway to the residence. Without a deck, a person exiting the premises through that doorway would be likely to sustain serious physical injury.
- (g) In constructing the deck, the applicant will not remove any trees or substantial vegetation.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

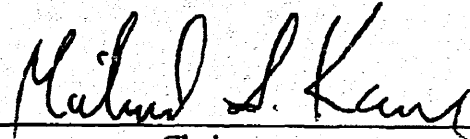
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 13 feet Rear Yard Setback for proposed deck at 330 Nina Street in an R-4 Zone (73-2-19)

as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 11, 2005

A handwritten signature in cursive script, reading "Michael S. Kears", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: May 18, 2005

APPLICANT: Francis A. Nicolosi
330 Nina Street
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 17, 2005

FOR : PROPOSED 26'x14' REAR DECK

LOCATED AT: 330 Nina Street

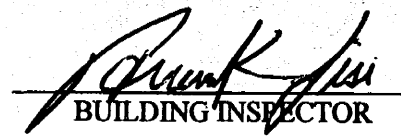
ZONE: Sec/Blk/ Lot: 73-2-19

COPY

DESCRIPTION OF EXISTING SITE: EXISTING ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **PROPOSED DECK WILL NOT MEET MINIMUM 50' REAR YARD SET BACK.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: G-6 50'

37'

13'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 17 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit # PA2005-380

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises FRANCIS NICOLDSI

Address 330 NINA ST., NEW WINDSOR, NY 12553 Phone # 845-561-8692

Mailing Address SAME AS ABOVE Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor Friedle Construction

Address 1 Midway Dr Newburgh NY 12561 Phone 845-565-8325

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of NINA STREET
(N, S, E or W)
and 200 FEET feet from the intersection of NINA STREET AND
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 73 Block 2 Lot 19
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy RESIDENCE b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other RE-BUILD EXISTING DECK
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

ZONING BOARD

*Spoke to owner re
5-1705*

PAID
Ch # 677 \$50

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

5/16/05
date

5-16-05

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Franklin Viorloni
(Signature of Applicant)

330 NINA ST., NEW WINDSOR, N.Y. 12553
(Address of Applicant)

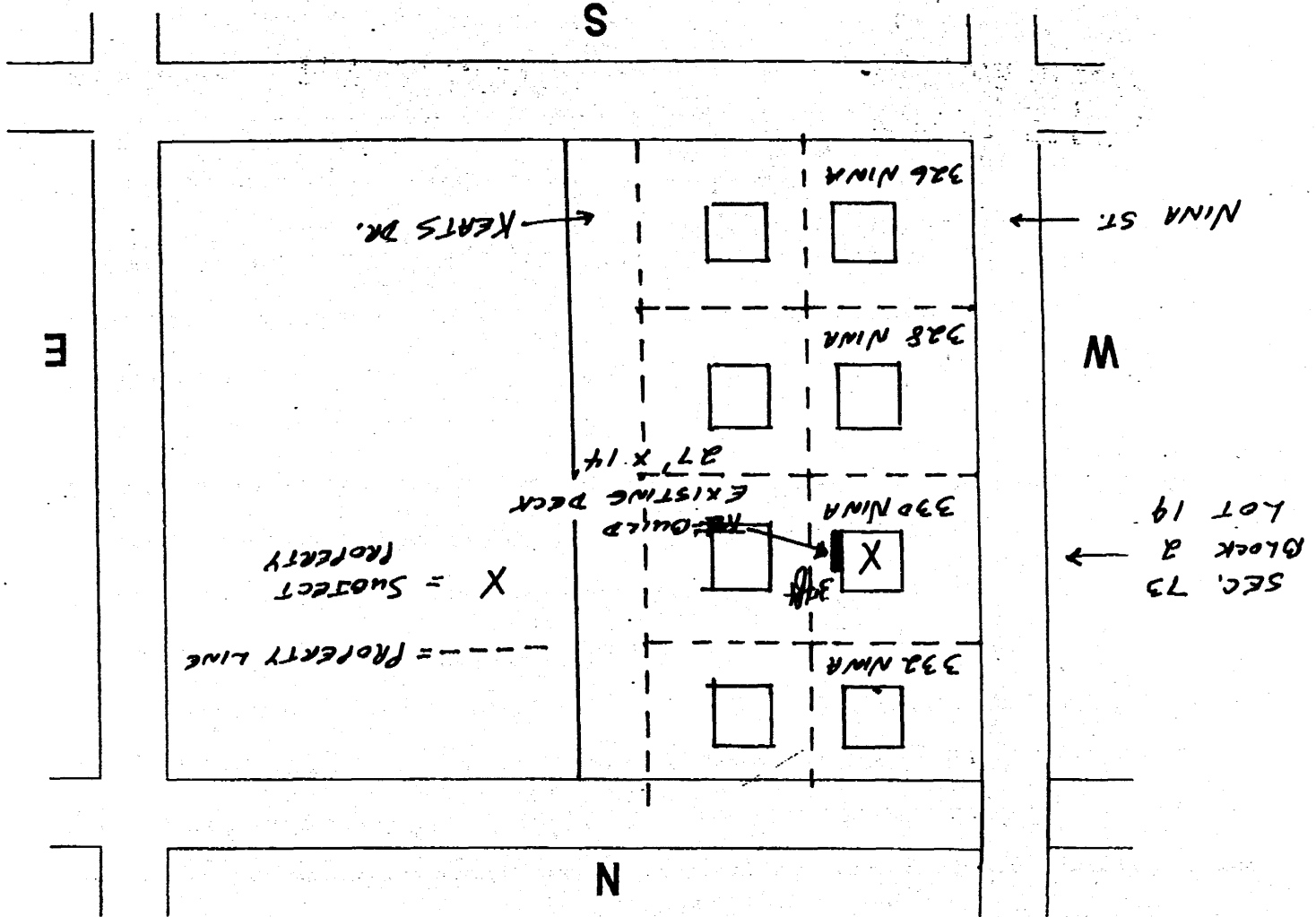
Franklin Viorloni
(Owner's Signature)

330 NINA ST., NEW WINDSOR, N.Y. 12553
(Owner's Address)

PLOT PLAN

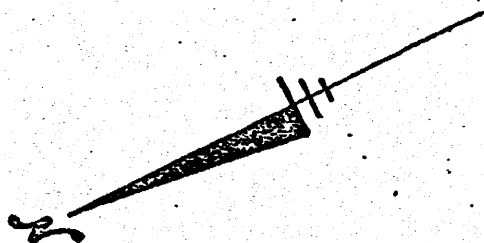
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has

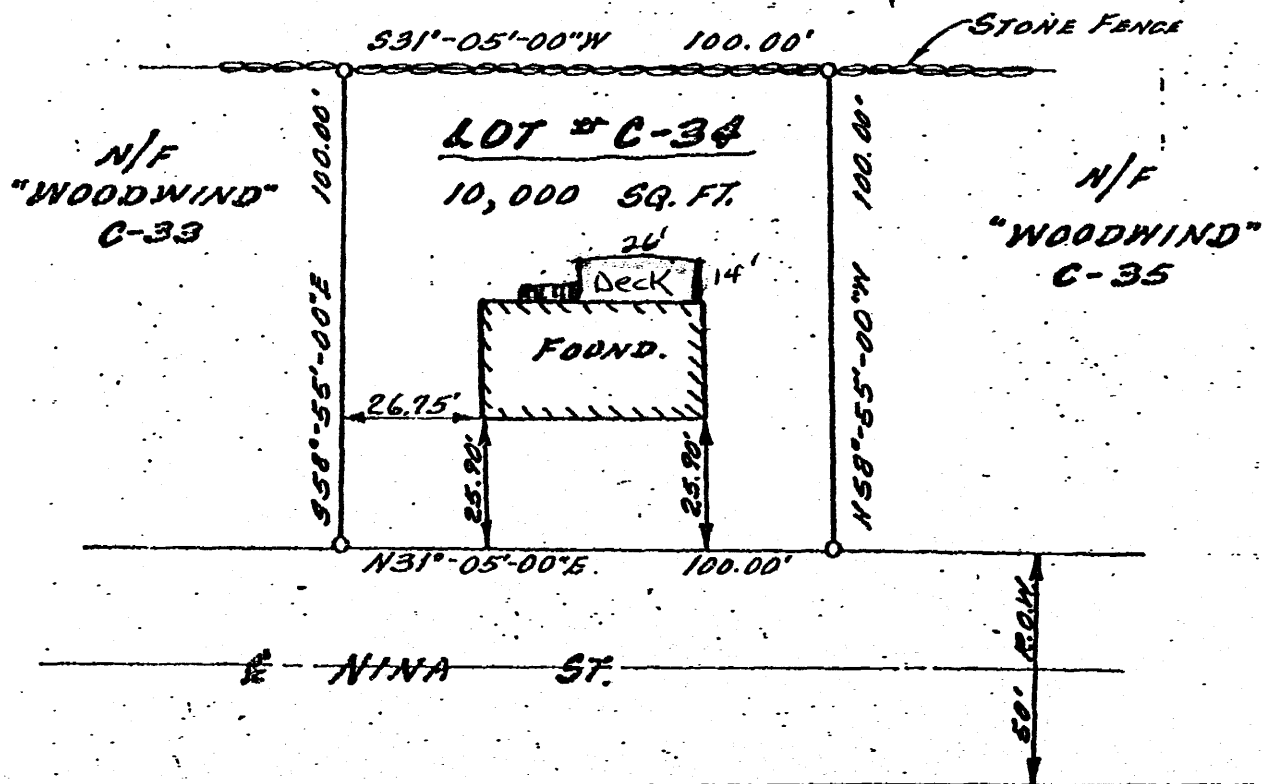


NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





N/F
"BRUNE"



PLAN OF LOT #C-34

"WOODWIND"

TOWN OF NEW WINDSOR, ORANGE CO., N.Y.

SCALE: 1"=40'

MAY 6, 1974

TO: AMER. TITLE INS. CO. AND HERITAGE
SAVINGS BANK.

THIS SURVEY CERTIFIED TO BE TRUE,
CORRECT AND ACCURATE.

Robert E. Baker

ROBERT E. BAKER, L.S.
N.Y. REG. L.S. #28544

Nicolosi
330 Third St.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 24, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 146.22 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-31

NAME & ADDRESS:

**Francis Nicolosi
330 Nina Street
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.8-24-05



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-31 TYPE: AREA TELEPHONE: 561-8692

APPLICANT:
Francis Nicolosi
330 Nina Street
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>689</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 690



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 06-22-05 \$ 45.28

TOTAL:	\$ <u>83.78</u>	\$ <u>70.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 153.78

AMOUNT DUE: \$ _____

REFUND DUE: \$ 146.22

Cc:

L.R. 8-24-05

FRANCIS NICOLOSI (05-31)

Mr. Francis Nicolosi appeared before the board for this proposal.

MR. REIS: Request for 13 feet rear yard setback for proposed deck at 330 Nina Street. Mr. Nicolosi, tell us what you want to do.

MR. NICOLOSI: I have an existing deck, I have provided so some photos tonight, I only picked them up Saturday, you would have had them earlier, I want to take down this deck and rebuild it so it's in the proper condition.

MR. REIS: Are you going to be making the deck larger than what's already there, sir?

MR. NICOLOSI: Same size, possibly a little bit smaller, wouldn't be any larger.

MR. REIS: And your existing deck never had a C.O. for it?

MR. NICOLOSI: Correct. If you notice in the photo the stone wall in the back that's the lot line, house measures 51 feet from that line.

MR. REIS: You're not going to be going over any easements or right-of-ways?

MR. NICOLOSI: No.

MR. REIS: And you're not going to, won't be necessary to cut down any other vegetation to accomplish this?

MR. NICOLOSI: No.

MS. MASON: Did you want to mention the stairs?

MR. NICOLOSI: One change I might make on the stairway if you notice in the photo the stair comes down the edge of the house there's a platform and then continues down under the deck, I might change that and just move the stairway straight down one run straight right along the house, it won't go beyond the end of the house and it would not affect the easement that I'm looking for the variance rather.

MR. REIS: Right now you have steps that are going from the deck to the ground level?

MR. NICOLOSI: Goes from the deck along the house wall, there's a flat form then it goes down the deck itself, the only change I might make would depend on straighten the stairway, one long straight run.

MR. REIS: Thank you. Folks have any other questions at this time?

MS. GANN: So you're reconstructing this entire deck that's in the picture?

MR. NICOLOSI: That's right.

MR. REIS: All right, we'll open this up to the public, anybody here to speak on this pro or con? Close the public hearing. Myra, how many mailings?

MS. MASON: On June 27, I mailed out 38 envelopes and had no response.

MR. REIS: Thank you. You're going to be exiting the house to come out onto the deck?

MR. NICOLOSI: That's correct.

MR. REIS: And without the deck obviously it would be a hazard?

MR. NICOLOSI: What I want to find out is to save a little money I want to get a dumpster and my son and I can tear this down before the builder comes to build a new one, I want to find out if that's legal? I can secure the doors. I'm the only one there, my wife's away for the summer and my son is staying with me, we can tear it down, get it ready for the new builder, I just want to make sure that that's legal.

MR. BABCOCK: Yeah, you have to, I mean in theory, you have to tear the old one down to build the new one.

MR. NICOLOSI: I can do it well in advance?

MR. BABCOCK: Well, once you pull the building permit it doesn't really matter, you've just got to secure the door, if somebody falls out the back door.

MR. NICOLOSI: I can't do it until I get permit.

MR. BABCOCK: Yes, you shouldn't do it, I mean, I don't think that's an issue either.

MR. NICOLOSI: I'll wait, I'm in no hurry to do that work.

MR. BABCOCK: Basically tonight if you're successful here, you're very close.

MR. REIS: It's a matter of just going through the motions at this point, you're going to have a liability issue if you're going to have this unsecured.

MR. NICOLOSI: I understand.

MR. REIS: Not a problem. Any other questions folks?

MR. BROWN: Accept a motion?

MR. REIS: Please.

July 11, 2005

31

MR. BROWN: I move we grant Francis Nicoloci his request for 13 foot rear yard setback for proposed deck at 330 Nina Street in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MR. BROWN	AYE
MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	AYE

FRANCIS NICOLOSI (05-31)

MR. KANE: Request for 13 feet rear yard setback for proposed deck at 330 Nina Street.

Mr. Francis Nicolosi appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MR. NICOLOSI: There's an existing deck that's in need of repair, I'm going to replace it same size 27 x 14, one change I'm going to make stairway right now goes underneath, I'm going to have the stairway run right alongside of the house in one straight row.

MR. KANE: When you come for the public hearing, can you take some pictures of the area where the deck is going to go for us?

MR. NICOLOSI: Yes.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MR. NICOLOSI: No.

MR. KANE: Was the old deck existing when you purchased the house?

MR. NICOLOSI: I added it later on, I don't know how many years ago.

MR. KANE: Cut down any trees, substantial vegetation in the building of the deck?

MR. NICOLOSI: No.

MR. KANE: Deck similar in size and nature to other decks?

MR. NICOLOSI: Yes.

MR. KANE: Old deck didn't have a permit, I gather?

MR. NICOLOSI: No.

MR. KANE: Any complaints formally or informally about the old deck?

MR. NICOLOSI: No.

MR. KANE: Any questions?

MS. LOCEY: No.

MS. GANN: No.

MR. KANE: Is the home on Town sewer and water?

MR. NICOLOSI: Yes.

MR. KANE: No easements in the area where the deck was?

MR. NICOLOSI: No.

MR. KANE: I have no further questions, just the pictures for the public hearing.

MR. NICOLOSI: I have already taken them, just got to get them out of the camera.

MR. KANE: Mike, Howard, any questions?

MR. REIS: No.

MR. KANE: Accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Francis Nicolosi for his

June 13, 2005

11

requested 13 foot rear yard setback for a proposed deck
at 330 Nina Street in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-03-05

FOR: ESCROW 05-31

FROM:

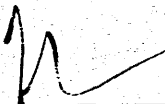
Francis Nicolosi
330 Nina Street
New Windsor, NY 12553

CHECK NUMBER: 690

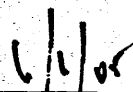
TELEPHONE: 561-8692

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #05-31 application fee

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#497-2005**

06/06/2005

**Nicolosi, Francis
330 Nina Street
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees, on 06/06/2005. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

FRANCIS NICOLOSI (05-31)

MR. KANE: Request for 13 feet rear yard setback for proposed deck at 330 Nina Street.

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MS. LOCEY: No.

MS. GANN: No.

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MR. NICOLOSI: No.

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MR. NICOLOSI: I have already taken them, just got to get them out of the camera.

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June 13, 2005

11

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MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

FRANCIS NICOLosi

#05-31

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

27th day of June, 20 05

J. M. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2016

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

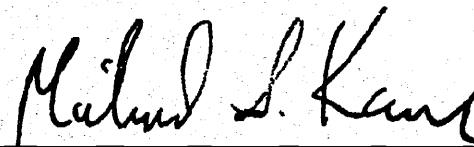
Appeal No. 05-31

Request of FRANCIS NICOLOSI

for a VARIANCE of the Zoning Local Law to Permit:

Request for 13 feet Rear Yard Setback for proposed deck at 330 Nina Street in an R-4 Zone (73-2-19)

PUBLIC HEARING will take place on JULY 11, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

June 15, 2005

Francis Nicolosi
330 Nina Street
New Windsor, NY 12553

Re: 73-2-19 ZBA#: 05-31 (38)

Dear Mr. Nicolosi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

73-1-13
Dominick & Melissa Pileggi
423 Philo Street
New Windsor, NY 12553

73-4-7
Richard & Laura Graziano
456 Philo Street
New Windsor, NY 12553

73-4-10
Samuel Martinez, Jr.
335 Nina Street
New Windsor, NY 12553

73-4-13
Jose Escobar
329 Nina Street
New Windsor, NY 12553

73-5-7
Anthony Thomas
Myra Davis Thomas
322 Nina Street
New Windsor, NY 12553

73-7-23
Mathew & Carla Weiss
440 Philo Street
New Windsor, NY 12553

73-7-26
Robert & Mary Volz
323 Nina Street
New Windsor, NY 12553

73-2-13
Yovanny & Grisel Vivieca
342 Nina Street
New Windsor, NY 12553

73-2-16
Brendan DeMilt
336 Nina Street
New Windsor, NY 12553

73-3-5
Richard & Marilene Baskind
349 Nina Street
New Windsor, NY 12553

73-1-14
Patrick & Mary Ann McCarthy
425 Philo Street
New Windsor, NY 12553

73-4-8
Donald & Diana McKeon
339 Nina Street
New Windsor, NY 12553

73-4-11
Joseph Hafner
Hyon Lemons
333 Nina Street
New Windsor, NY 12553

73-4-14
John & Catherine Canale
327 Nina Street
New Windsor, NY 12553

73-5-8
Steven Weissman
324 Nina Street
New Windsor, NY 12553

73-7-24
Frank & Deborah Prego
442 Philo Street
New Windsor, NY 12553

73-7-27
Mikhail & Alexandra Ostritskay
321 Nina Street
New Windsor, NY 12553

73-2-14
Melvyn & Cynthia Wright
340 Nina Street
New Windsor, NY 12553

73-3-3
Ronald Altomare
353 Nina Street
New Windsor, NY 12553

73-3-6
Fred & Annette Kaiser
347 Nina Street
New Windsor, NY 12553

73-1-15
Michael & Trude Antonacci
609 Sim Street
New Windsor, NY 12553

73-4-9
Ursula Roberts
337 Nina Street
New Windsor, NY 12553

73-4-12
Daniel Peralta
331 Nina Street
New Windsor, NY 12553

73-5-6
Robert & Pamela Ramos
320 Nina Street
New Windsor, NY 12553

73-7-22
Richard & Rose Linet
438 Philo Street
New Windsor, NY 12553

73-7-25
Peter & Julie Daly
325 Nina Street
New Windsor, NY 12553

73-2-12
Robyn & Richard Ricciardi, Jr.
344 Nina Street
New Windsor, NY 12553

73-2-15
William Kostenblatt
338 Nina Street
New Windsor, NY 12553

73-3-4
Sandra & Michael Muller, Sr.
351 Nina Street
New Windsor, NY 12553

73-3-7
Renee Purcell
Carla Orsino
345 Nina Street
New Windsor, NY 12553

73-3-8
John Feminella
343 Nina Street
New Windsor, NY 12553

73-3-11
Joseph & Elizabeth Como
433 Philo Street
New Windsor, NY 12553

73-4-5
Kevin & Leslie Hofving
452 Philo Street
New Windsor, NY 12553

73-3-9
Patricia & Joseph Grimm, Jr.
437 Philo Street
New Windsor, NY 12553

73-3-12
Eric Cooper
431 Philo Street
New Windsor, NY 12553

73-4-6
Thomas Trinajstic
454 Philo Street
New Windsor, NY 12553

73-3-10
John & Dana McCrossen
435 Philo Street
New Windsor, NY 12553

73-4-4
Christopher & Elke Spencer
450 Philo Street
New Windsor, NY 12553

Town of New Windsor

Zoning Board of Appeals

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-31
Request of FRANCES NICOLOSI
for a VARIANCE of the Zoning Local Law to Permit
Request for 13 feet Rear Yard Setback for proposed deck at
330 Nina Street in an R-4 Zone (73-2-19)

PUBLIC HEARING will take place on July 11, 2005
at the New Windsor Town Hall, 555 Union Avenue, New
Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1771426 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRGALWSK Date: 06/22/2005 Assigned Sales: TownofNewWindsor ZoningBoardofAppeals AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 06/28/2005 End Date - 06/28/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 45.28 Payment Method: B1 Amount Paid: 0 Amount Owed: 45.28

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LFL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

6/28/05

Signature of Representative:

Sworn in before me this 1

Day of July

2005

Gretchen Pina Breedy
Notary Public, Orange County

GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/28/2005



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 27, 2005

Francis Nicolosi
330 Nina Street
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-31

Dear Mr. Nicolosi:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

330 Nina Street
New Windsor, NY

is scheduled for the July 11, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: June 13, 2005

PROJECT: Francis Nicolosi ZBA # 05-31
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) L S) G VOTE: A 5 N 0

GANN A
LOCEY A
BROWN A
~~MCDONALD~~
REIS A
KANE A

CARRIED: Y ✓ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Need Photos for P.H.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

June 3, 2005

**Francis Nicolosi
330 Nina Street
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #05-31

Dear Mr. Nicolosi:

This letter is to inform you that you have been placed on the June 13, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**330 Nina Street
New Windsor, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

05-31-05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 561-8692
FRANCIS A. NICOLOSI Fax Number: ()
(Name)
330 NINA STREET, NEW WINDSOR, N.Y. 12553
(Address)

II. **Applicant:** Phone Number: (845) 561-8692
FRANCIS A. NICOLOSI Fax Number: ()
(Name)
330 NINA STREET, NEW WINDSOR, N.Y. 12553
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
N/A Fax Number: ()
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 565-8325
Fax Number: ()
FRIEDLE CONSTRUCTION, INC.
(Name)
1 MIDWAY DRIVE, NEWBURGH, N.Y. 12550
(Address)

V. **Property Information:**

Zone: RESIDENTIAL Property Address in Question: 330 NINA STREET
Lot Size: 100' X 100' Tax Map Number: Section 73 Block 2 Lot 19
a. What other zones lie within 500 feet? RESIDENTIAL
b. Is pending sale or lease subject to ZBA approval of this Application? N/A
c. When was property purchased by present owner? 1974
d. Has property been subdivided previously? If so, When:
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector?
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	37'	13'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THERE IS AN EXISTING DECK ATTACHED TO HOUSE MEASURING
27' X 14' AND IS IN NEED OF REPAIR/REPLACEMENT.
I WISH TO DISMANTLE EXISTING DECK AND HAVE A NEW
DECK BUILT TO REPLACE THE OLD ONE.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or ~~survey~~ (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ ~~300.00~~ or 500.00 (escrow)
- ☒ One in the amount of \$ ~~50.00~~ or 150.00 (application fee)
- ☒ One in the amount of \$ ~~25.00~~ (Public Hearing List Deposit)
- ☒ Photographs of existing premises (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

31 day of May 2005.

Lisa R. DiStefano

Signature and Stamp of Notary

LISA R. DISTEFANO
Notary Public, State Of New York
No. 01D16050022
Qualified In Orange County
Commission Expires 10/30/06

Francis Nicolosi
Owner's Signature (Notarized)

FRANCIS NICOLOSI
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION. **LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE** AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$50.00

*ESCROW:

\$300.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.